



The Commonwealth of Massachusetts

Massachusetts Gaming Commission

84 State Street, Suite 720

Boston, Massachusetts 02109

CHAIRMAN

STEPHEN P. CROSBY

COMMISSIONERS

GAYLE CAMERON

JAMES F. MCHUGH

BRUCE W. STEBBINS

ENRIQUE ZUNIGA

TEL: (617)979-8400

FAX: (617)725-0528

www.mass.gov/gaming

Advisory to Massachusetts communities that may qualify as “host” or “surrounding” communities under Massachusetts General Law Chapter 23 in a proposal for a gaming license

Updated: 9/25/12

In order to support the many communities across Massachusetts that are being approached by private developers about the possibility of developing a gaming facility within or near their borders, the Massachusetts Gaming Commission is offering various kinds of general advice and technical support.

I. Licensing Schedule.

The schedule discussed in this section is still tentative, and is published only for the purpose of giving potential host and surrounding communities a general sense of schedule, with which they can assess the urgency of their need to comply with developers’ requests. These schedules are subject to change, and should not be relied on for any formal or legal action. It should also be noted that this schedule applies only to Class 1 license proposals in regions A and B (in other words, exclusive of region C, Southeastern Massachusetts) and the Class 2 license proposal, for which the Commission is implementing the application process. For now, the schedule and licensing process for Class 1 gaming facility applications in region C will be under the control of the compact negotiated between the Governor’s Office and tribal applicant in region C.

The Massachusetts Gaming Commission is committed to a “fair, transparent, and participatory” process in awarding the gaming licenses across the Commonwealth. It is our intention to move this process forward as quickly as possible, in order to meet the aspirations of the Legislature and the Governor for economic development and new revenue. But we are equally committed to undertaking this process with a deliberateness that assures that we do it right.

As of the updating of this advisory, the Commission has established the following *approximate time frame* for the licensing process:

- Mid-October 2012: release of Requests For Applications-Phase One (RFA-1), first stage in the application process which will prequalify bidders for their financial, corporate and personal integrity.
- December 2012: submission by applicants of completed RFA-1.
- May to September 2013: 5-9 month period for Commission to assess completed responses to the RFA-1 (background checks) and release of Request for Applications-Phase Two (RFA-2) to successfully pre-qualified applicants. RFA-2 will be the final site-specific application that all applicants that pass the RFA-1 background check may submit.
- August 2013 to December 2013: a 3 month period during which applicants will complete and submit their full site specific license applications, RFA-2. No later than the end of this period, applicants must sign agreements with host and surrounding communities and have host community agreements approved by referendum.
- November 2013 to March 2014: 3 month review of RFA-2 applications by the Commission, and final selection of licensees.

Accordingly, the range of time frames for the licensing process as presently envisioned by the Gaming Commission is as follows:

License Application Step	Earliest Likely Date	Latest Likely Date
Release of RFA-1	mid-October 2012	NA
Applicants submission of completed RFA-1 (pre-qualifying phase, 3 months)	December 2012	NA
Commission review of completed RFA-1 and release of RFA-2 to qualified applicants (5-9 months)	May 2013	September 2013
Applicant submission of completed RFA-2; surrounding community agreements executed and host community agreements approved by referendum (3 months)	August 2013	December 2013
Commission review of completed RFA-2 and selection of licensee(s) (3 months)	November 2013	March 2014

At any time up to the final submission of a completed RFA-2, developers and prospective host and surrounding communities may meet, negotiate and, if they wish, begin to develop host and surrounding community agreements. Given that siting and licensing a gaming facility is a complicated process, it is reasonable for developers to want to undertake these discussions and negotiations as soon as possible. However, it is important for prospective host and surrounding communities to understand that regulations prescribing the content of Host Community Agreements and site specific applications (RFA-2) have not yet been promulgated and, even when they are, the Commission will not be ready to accept and begin processing site specific applications until it has concluded its examination of the developer's RFA-1 application and has concluded that the developer is qualified.

II. Technical assistance for prospective host and surrounding communities.

It is the intention of the Massachusetts Gaming Commission (and its enabling legislation passed by the Legislature) to provide as much technical assistance as possible to prospective host and surrounding communities, as well as funding for their work, as they endeavor to negotiate appropriate terms and conditions of host and surrounding community agreements. Chapter 23K, Section 4(7), of the Massachusetts gaming law states that "the commission may receive and approve applications from a municipality to provide for reasonable costs related to legal, financial and other professional services required for the negotiation and execution of host and surrounding community agreements as provided in section 15, and to require that such costs be paid by the applicant for a gaming license. " The Commission will soon issue regulations that implement this mandate and provide guidance to cities, towns and developers regarding the process for fee applications.

The MGC has been working over the past few weeks with a variety of organizations, including Mass Municipal Association, several of the regional planning authorities (RPAs), the Collins Center at UMass Boston, and Mass Development to determine the best mechanism for providing this technical assistance. The Commission recognizes that it must provide or facilitate provision of assistance in a manner that is even handed across all communities and does not compromise either the objectivity or the appearance of objectivity of the MGC in its subsequent deliberations.

We expect that the MGC and its partners will soon have an organized resource of professionals with understanding of the expanded gaming law, and access to consultant, legal and other resources for the communities to utilize in their discussions and negotiations with the gaming facility developers. It is also the present intention of the MGC to appoint an "ombudsman" who will serve as a single point of contact at the Commission for municipalities interested in this technical support, and who will be responsible for proactively communicating with prospective hosts and surrounding communities about the resources that are available to them. The Commission hopes to have this appointment made by the end of September 2012.

The Commission has already been asked and answered many inquiries from local officials across the Commonwealth. Many of these questions and answers, along with other background information about the gaming law and plan can be found at our website at

mass.gov/gaming. Also found at that site is a link to an email contact with the Commission, to which we will reply promptly.

We hope this is helpful to the many communities across the Commonwealth that are wrestling with the prospect of serving as a host or surrounding community for a gaming license.

The Massachusetts Gaming Commission

September 25, 2012